

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

(1) <b>JIMMIE RICHARDSON,</b>	)	
(2) <b>DEBBIE RICHARDSON,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	<b>Case No.: CIV-22-793-G</b>
<b>v.</b>	)	
	)	<b>Oklahoma County District</b>
	)	<b>Court Case No.: CJ-2022-3812</b>
(1) <b>CRST EXPEDITED, INC.</b>	)	
(2) <b>CRST MALONE, INC.</b>	)	
(3) <b>CRST INTERNATIONAL,</b>	)	
(4) <b>CRST, INC.</b>	)	
(5) <b>FRANCIS KALLON, individually</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF REMOVAL**

Defendant, CRST EXPEDITED, INC. (“CRST EXPEDITED”) removes this action to the United States District Court for the Western District of Oklahoma pursuant to 28 U.S.C. §§ 1332(a)(1), 1441, and 1446. This action is removable because there is complete diversity of citizenship between Plaintiffs, JIMMIE RICHARDSON and DEBBIE RICHARDSON (“Plaintiffs”) and Defendants, CRST EXPEDITED, INC., CRST MALONE, INC. CRST INTERNATIONAL, CRST, INC., and FRANCIS KALLON, and because the amount in controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000.00. In support of this Notice of Removal, CRST EXPEDITED states:

Pursuant to United States Code Title 28, Section 1441(a), a defendant may remove a civil action brought in a State court to the district court of the United States for the district and division embracing the place where such action is pending. This Court has original

jurisdiction over civil actions between citizens of different states where the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a)(1).

Defendant hereby removes the Petition from the District Court of Oklahoma County, Oklahoma to the United States District Court for the Western District of Oklahoma, based on the following:

**A. Plaintiffs have Alleged an Amount in Controversy in Excess of that Required by 28 U.S.C. § 1332(a).**

Plaintiffs' Petition seeks damages in excess of \$75,000 for alleged negligence. (*See* Petition, attached hereto as Exhibit "1").

**B. The Action Involves Citizens of Different States.**

Plaintiffs are both residents of the State of Oklahoma. The CRST entities are Iowa corporations with their principal place of business in Linn County in the State of Iowa. KALLON, an individual, is a resident of the State of Ohio. Therefore, this case meets the diversity requirement because it is a civil action between citizens of different states.

**C. Defendants' Notice of Removal is Timely.**

CRST Expedited was served on August 15, 2022 through its registered service agent. Defendant KALLON was served September 6, 2022. Pursuant to 28 U.S.C. § 1446(b), a notice of removal shall be filed within thirty (30) days after receipt by the defendant of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based. This Notice of Removal is filed within thirty days of service of the Petition on CRST EXPEDITION (*See* Exhibit "2" attached hereto) and contains

copies of all process, pleadings and orders served upon Defendant in this action together with a copy of the Oklahoma County District Court Docket Sheet. 28 U.S.C. § 1446(a). (See Exhibit “3” attached hereto).

**D. Removal to this Court is Proper.**

Removal to the United States District Court for the Western District of Oklahoma is proper pursuant to 28 U.S.C. § 1441(a) and Local Civil Rules 81.1 and 81.2 because it is the District and Division embracing the place where the action is pending before the Oklahoma County Oklahoma District Court.

**WHEREFORE**, Defendants give timely notice of removal of the Petition filed in the District Court of Oklahoma County, Oklahoma, Case No. CJ-2022-3812, to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

RIGGS, ABNEY, NEAL, TURPEN,  
ORBISON & LEWIS

/s/ Thomas M. Askew

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*Attorneys for Defendants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on 8th day of September, 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for Filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants and was also sent via United States Mail with proper postage thereon to:

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/s/ Thomas M. Askew

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